

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No. 04-CV-12249-DPW

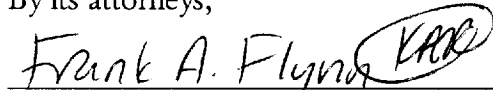
<u>HARVARD REAL ESTATE-ALLSTON, INC.,</u>)	STIPULATION RE: KMART
Plaintiff,)	EXTENSION FOR FILING
)	RESPONSES TO HARVARD'S
v.)	MOTION TO REMAND AND
)	MOTION TO DISMISS
KMART CORPORATION, KMART STORE 9424,)	COUNTERCLAIMS
Defendant.)	

The Plaintiff, Harvard Real Estate-Allston, Inc. ("Harvard"), and the Defendant, Kmart Corporation, Kmart Store 9424 ("Kmart"), by their attorneys, hereby stipulate and agree to the following:


1. Kmart shall have until and including December 15, 2004 to file a Response to Harvard's Motion to Remand and a Response to Harvard's Motion to Dismiss Counterclaims;
2. Kmart shall assent to Harvard's Motion for Leave to File Reply Brief to Kmart's Response to Harvard's Motion to Remand and Kmart's Response to Harvard's Motion to Dismiss Counterclaims;
3. If the Court allows Harvard's Motion for Leave to File Reply Brief to Kmart's

Responses pursuant to Paragraph 2, Harvard will assent to Kmart's Motion for Leave to File
Surreply to Harvard's Reply Brief.

Respectfully submitted,
Plaintiff,
Harvard Real Estate Allston-Inc.
By its attorneys,


Frank A. Flynn, Esc. (BBO# 551668)
Randolph C. English, Esq. (BBO# 628647)
Downing & Flynn
85 Devonshire Street, Suite 1000
Boston, MA 02109
(617) 720-3535

By Telephonic Assent:
Defendant,
Kmart Corporation, Kmart Store 9424
By its attorneys,


William R. Moorman, Jr., Esq. (BBO# 548593)
Kathleen A. Rahbany, Esq. (BBO# 654322)
Craig and Macauley Professional Corporation
Federal Reserve Plaza
600 Atlantic Avenue
Boston, MA 02210
(617) 367-9500

DATED: December 14 , 2004